

Appl. No. : 10/023,037
Filed : December 6, 2001

REMARKS

In the outstanding Office Action, the Examiner has rejected Claims 27-30. Reconsideration and allowance of all Claims 27-30 in light of the present remarks is respectfully requested.

Discussion of Rejections of Claims 27-30 Under 35 U.S.C. § 103(a)

The Examiner has rejected Claims 27-30 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,979,207 to Baum, et al. in view of U.S. Patent No. 6,173,046 B1 to Jagadish, et al., and further in view of WIPO Publication No. WO 96/20,570 to Janhonen, et al.

The Examiner cited Baum as disclosing all of the elements as recited in Claims 27 and 30 except: (1) assigning a shared usage allocation of an original magnitude to each group (top of p. 5); (2) determining if a subscriber of one of the groups uses a telecommunications service (middle of p. 6); and (3) accessing, upon determining that the subscriber uses the telecommunications service, the record for the group of which the subscriber is a member (middle of p. 6). The Examiner refers to Jagadish as teaching the assignment of a shared usage allocation of an original magnitude to each group, and to Jahhonen as teaching the remaining elements of the claims not taught by Baum. Ultimately, the Examiner asserted that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Baum to include the selected teachings of Jagadish and Janhonen.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 180 U.S.P.Q. 580.

Baum describes a method of processing cellular telephone call detail data for billing multi-line customers for cellular telephone services. A customer, such as a business, owning multiple cellular telephones can receive consolidated billing and usage information for all of its cellular telephones as well as individual bills for each of the cellular telephone users. A unique key identification number is associated with each multi-line customer. Call detail data is received and batch processed on a periodic basis to apply a rate, add the user's key identification number and information format, and consolidate the new call detail data with the previous data using tariff tables and a service profile file. The call detail and customer detail files are sorted in accordance with the key identification number and information format of the multi-line customer (see Figure 5).

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As recognized by the Examiner, Baum fails to teach or suggest assigning a shared usage allocation of a predefined magnitude to a group of subscribers, and accessing the record for the group in response to determining that a subscriber member of the group uses the telecommunications service.

Jagadish describes a system and method for customer group billing, wherein a group of customers have a group calling plan, but each customer has a separate billing account. The billing for each customer is priced based on the group calling plan and the usage of all members of a group. A customer profile is maintained in a database for each individual customer, and each customer profile includes a parameter indicating the billing group of which the customer is a member. Each customer profile also includes a discount parameter indicating, for example, that each member of group 1 is to receive a 10% discount once total group usage reaches \$1,000.

The billing analysis system may adjust charges for all members of a group based on the total group charges for a given billing period. For example, all members of a group may receive a 10% discount once total group usage reaches \$1,000, and successive calls made by group members will receive a 10% discount.

Jagadish, however, does not describe a system wherein a group is allocated a shared usage amount available for usage by the group, and where a charging tariff is applied when the allocated usage amount is exhausted. In contrast, Jagadish teaches a system wherein a group has a usage threshold (\$1,000) to meet before a reduced rate is applied. This is not an allocation “available for usage” as there is nothing allocated to the group members in Jagadish for them to use.

Applicant respectfully submits that the suggested modification of Baum fails to teach or suggest all of the elements as recited in claims 27 and 30.

Janhonen describes a method for improving charging criteria in a mobile telephone network. A group consisting of several cells in a mobile telephone network is chosen as a group of special cells. Upon call establishment, the MSC of the calling subscriber analyzes whether the location cell of the calling subscriber and/or that of the called subscriber are members of the group of special cells. If the analysis is positive, then the charging criteria determined for the group is applied. Thereby, call charges can be determined in real-time based on the location cell of the calling subscriber and/or the called subscriber. For example, special charging criteria can be applied for certain intra-cell or inter-cell calls. Janhonen, however, does not teach that the

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members of the group of special cells have a single shared usage plan, or that the group is assigned a shared usage allocation of an original magnitude.

Finally, the Examiner has failed to point to some objective teaching in the prior art or knowledge generally available to one of ordinary skill in the art that would lead that individual to combine the relevant teachings of the Baum, Jagadish, and Janhonen references. There must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings, and the prior art references, when combined, must teach or suggest all the claim limitations. M.P.E.P. § 2143. Also, the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

Thus, Applicant respectfully submits that Claims 27 and 30 are in condition for allowance. Because Claims 28-29 depend from Claim 27, pursuant to 35 U.S.C. § 112, ¶ 4, they incorporate by reference all the limitations of the claim to which they refer. It is therefore submitted that these claims are in condition for allowance at least for the reasons expressed with respect to the independent claim, and for their other features.

Applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. Accordingly, arguments in support of the patentability of the pending claim set are presented above. In light of these remarks, reconsideration and withdrawal of the outstanding rejections is respectfully requested.

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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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